

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

**CR-17-83-GF-BMM**

Plaintiff,

vs.

WACEY MOUNTAIN CHIEF,

**ORDER**

Defendant.

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on March 10, 2021. (Doc. 89.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on March 9, 2021. (Doc. 90.) The United States accused Mountain Chief of violating his conditions of supervised release 1) by having contact with the victim this case on three separate occasions; 2) by committing two other crimes; 3) by using marijuana; 4) by using

methamphetamine; 5) by failing to follow the instructions of his probation officer on two separate occasions; and 6) by consuming alcohol on two separate occasions. (Doc. 86.)

At the revocation hearing, Mountain Chief admitted to violating the conditions of his supervised release 1) by having contact with the victim this case on three separate occasions; 2) by committing two other crimes; 3) by using marijuana; 4) by using methamphetamine; 5) by failing to follow the instructions of his probation officer on two separate occasions; and 6) by consuming alcohol on two separate occasions (Doc. 90.) Judge Johnston found that the violations Mountain Chief admitted proved to be serious and warranted revocation, and recommended that Mountain Chief receive a custodial sentence of 3 months, with 33 months of supervised release to follow with the first 60 days of supervised release in a secure in patient drug and alcohol treatment facility. (Doc. 89.) Mountain Chief was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 90.) The violations prove serious and warrant revocation of Mountain Chief's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 89) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Wacey Mountain Chief be sentenced to the custody of

the United States Bureau of Prisons for 3 months, with 33 months of supervised release to follow with the first 60 days of supervised release spent in a secure in patient drug and alcohol treatment facility.

DATED this 29th day of March, 2021.

A handwritten signature in blue ink that reads "Brian Morris".

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Brian Morris, Chief District Judge  
United States District Court

